

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)	File No. 19-cr-141(1)
)	(PJS/ECW)
Plaintiff,)	
)	
v.)	Minneapolis, Minnesota
)	March 1, 2021
Cornett Golden,)	9:00 a.m.
)	
Defendant.)	

BEFORE THE HONORABLE PATRICK J. SCHILTZ
UNITED STATES DISTRICT COURT JUDGE
(VIDEO CONFERENCE OF MOTION HEARING)

APPEARANCES

For the Plaintiff:

U.S. ATTORNEY'S OFFICE
JORDAN SING, AUSA
JOSEPH THOMPSON, AUSA
300 S. 4th St., #600
Minneapolis, Minnesota 55415

For the Defendant:

CAPITOL CITY LAW GROUP, LLC
A.L. BROWN, ESQ.
287 6th St. E, #20
St. Paul, Minnesota 55101

Court Reporter:

DEBRA K. BEAUVAIS, RPR-CRR
300 S. 4th St., #1005
Minneapolis, Minnesota 55415

Proceedings recorded by mechanical stenography;
transcript produced by computer.

P R O C E E D I N G S

IN OPEN COURT

THE COURTROOM DEPUTY: United States District Court for the District of Minnesota is now in session, the Honorable Patrick J. Schiltz presiding.

THE COURT: Good morning, everyone. We're here today on the case of United States of America v. Cornett Golden. The case is Criminal No. 19-0141.

If I could have the attorneys make their appearances, please. We'll begin with the prosecutors.

MR. SING: Good morning, Your Honor. Jordan Sing and Joe Thompson on behalf of the United States.

THE COURT: Good morning.

MR. THOMPSON: Good morning, Your Honor.

THE COURT: And Mr. Brown.

MR. BROWN: A.L. Brown on behalf of Mr. Golden.

THE COURT: Good morning.

Mr. Golden, good morning.

THE DEFENDANT: Good morning.

THE COURT: Are you able to see and hear me okay, Mr. Golden?

THE DEFENDANT: Yes, sir.

THE COURT: All right. And when the attorneys were talking, were you able to hear and see them as well?

THE DEFENDANT: Just now? Yes, sir.

1 THE COURT: Okay.

2 THE DEFENDANT: If I do say so, yes.

3 THE COURT: It's very important that you be able
4 to see and hear everything that happens this morning. So if
5 at any time today you have any technological problems, be
6 sure to let me know right away. Will you do that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Mr. Golden, before we go
9 any further, I want to make sure you understand that you do
10 not have to participate in this hearing by video. You have
11 the right to come down to court and be physically present in
12 the courtroom for this hearing. It's entirely up to you
13 whether to give up that right and give us permission to
14 proceed by way of video.

15 So I just want to make sure you understand -- do
16 you understand that you do have the right to appear in
17 person for this hearing?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. And are you willing to
20 give up that right and give us permission to conduct this
21 hearing by video?

22 THE DEFENDANT: Is this -- this hearing about the
23 -- the pro se hearing?

24 THE COURT: Yep. This hearing is about two
25 letters that you sent me: one where you ask for a new

1 attorney, and another where you ask to represent yourself
2 pro se. That's what this hearing is about.

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. And I just want to make
5 sure that we have your permission to conduct this hearing by
6 video. Do you give us permission to do that?

7 THE DEFENDANT: Yes, sir. I believe I signed a
8 letter from Mr. Brown saying it's okay to do this like this.

9 THE COURT: Okay. And, Mr. Brown, are you
10 satisfied that Mr. Golden understands that he has the right
11 to appear in person and he's giving up that right
12 voluntarily, knowingly, and intelligently?

13 MR. BROWN: I am, Your Honor.

14 THE COURT: Okay. I accept Mr. Golden's waiver of
15 his right to appear in person, and we'll proceed to conduct
16 this hearing by video.

17 Mr. Golden is charged with two counts of bank
18 robbery. In November of 2019, shortly before his trial was
19 scheduled to begin, his then attorney moved to withdraw. I
20 denied the motion finding that Mr. Golden had failed to show
21 justifiable dissatisfaction with his attorney.

22 A few days later at the pretrial conference,
23 Mr. Golden submitted another letter making additional
24 accusations against his attorney. On the basis of that
25 letter and other things that Mr. Golden had said, I

1 continued the trial, and I ordered that Mr. Golden undergo a
2 competency evaluation. That evaluation has been completed.
3 The evaluators found that Mr. Golden is competent.

4 In the meantime, however, I determined that the
5 interests of justice suggested that it would be preferable
6 to appoint new counsel for Mr. Golden, which I did on May
7 21st of 2020.

8 As I've already mentioned, we're here today to
9 address two letters that I recently received from
10 Mr. Golden. In a letter dated January 5th of 2021,
11 Mr. Golden asked to proceed pro se because he said his
12 counsel had a conflict of interest and there had been a
13 total breakdown in communication.

14 In a letter dated January 29th of 2021, Mr. Golden
15 asked me to appoint new counsel for him on the basis that
16 his current counsel is ineffective and has a conflict of
17 interest, there has been a major breakdown in communication,
18 and he and his counsel differ as to strategy.

19 I note that although the letter in which
20 Mr. Golden asked to proceed pro se is dated January 5th, I
21 did not receive that letter until February 11th, which was
22 after I received Mr. Golden's other letter where he asked
23 for a new attorney.

24 So, Mr. Golden, I'm going to ask you some
25 questions now, and I have to ask you to answer those

1 questions under oath. So if you will raise your right hand,
2 sir, I'll swear you in.

3 (Defendant sworn.)

4 THE COURT: All right. You can put your hand
5 down. Thank you, Mr. Golden.

6 BY THE COURT:

7 Q. Mr. Golden, because you are now under oath, I'm required
8 to warn you that if you say anything that is false today,
9 you could be prosecuted for the separate crime of perjury,
10 and the government could use against you in that prosecution
11 any false statements you give under oath. So it's important
12 you be truthful in everything you say today. Do you
13 understand that? I'm sorry?

14 A. Yes, sir. Yes, sir, Your Honor.

15 Q. I'm sorry, I just didn't hear you.

16 If you wish to talk to Mr. Brown at any time
17 today, you're welcome to do so. So if I ask you a question
18 and you're not sure how to answer my question and you want
19 to talk to Mr. Brown, just tell me you would like to talk to
20 him and we can give the two of you a chance to talk
21 privately without anybody else being able to hear or see
22 you. Okay?

23 A. Yes, sir.

24 Q. All right. If there's anything I say today that you do
25 not hear or you do not understand, please be sure to let me

1 know so I can make the question clear for you.

2 Do not answer a question that confuses you or that
3 you do not hear clearly, and do not tell me that you
4 understand something unless you really do understand it.

5 All right?

6 A. Okay. I have a question, though.

7 Q. Sure.

8 A. When you was just reading a letter, you said that you
9 assigned a new attorney. Was it to me in May? I don't
10 recall --

11 Q. That was Mr. Brown.

12 A. That was before I -- I spoke with you all, right?

13 Q. Right. That was back in May, a year ago, last May when
14 I replaced Mr. Morrison with Mr. Brown.

15 A. Okay.

16 Q. Okay?

17 A. I didn't remember -- I didn't remember -- recall hearing
18 anything from you all until June.

19 Q. I was referring to back when Mr. Brown started to
20 represent you.

21 A. Mr. Brown was in June.

22 Q. Well, I signed the papers appointing him in May.

23 A. Oh, okay, sir.

24 Q. Okay. That's what I was referring to.

25 A. Okay, sir.

1 Q. Okay. So, Mr. Golden, let me just ask you a few
2 questions just to start this morning.

3 Can you just state your full name, please, for the
4 record.

5 A. Cornett Golden.

6 Q. And how old are you, sir?

7 A. Sixty.

8 Q. And how far did you go in school?

9 A. Eleventh.

10 Q. To the eleventh grade?

11 A. Yes.

12 Q. Okay. And did you drop out at that point?

13 A. Yes. It was in -- I think I dropped out in my twelfth
14 year, but I never -- like the first couple of months or
15 something.

16 Q. Okay. And have you ever gone back and gotten a GED or a
17 diploma?

18 A. No, sir.

19 Q. Okay. Are you literate -- that is, are you able to read
20 pretty well?

21 A. Yes, sir.

22 Q. Okay. Can you tell me just a little bit about your
23 employment history. What sort of jobs have you worked at in
24 the past?

25 A. When I was 18, my first real job was at General Motors

1 in Chicago, Illinois, La Grange. I started there 12-'78.
2 And they closed down like in '89. They moved them and they
3 gave us service pay, some of us that didn't move along with
4 them.

5 And my second that I call really a decent job was
6 Pan Am International Flight Academy out at Eagan. I worked
7 there from like -- from like 2002 to like 2012, maybe 2011.

8 Q. What did you do there?

9 A. I was head supervisor over the Maintenance and the
10 Housekeeping Department.

11 Q. Okay. And what have you done since the end of that job?

12 A. I was working -- before I came here, I was out of work.
13 I was supposed to be going back to a place called Douglas
14 Corporation. That's out toward St. Louis Park. I was
15 working 12 hours a day shifts out there, like four days on,
16 three days off.

17 Q. Okay.

18 A. I had stopped working due to the fact that I went to the
19 workhouse for 30 days and they couldn't hold -- they told me
20 I have to start over when I got out. And I put the
21 application in, but it was a process. You had to go back
22 through with the temp service.

23 Q. Okay. Is that where things were at at the time you were
24 arrested in this case?

25 A. Yes, sir.

1 Q. Okay. I know you're in custody, Mr. Golden, but I have
2 to ask you just a couple questions about your use of drugs
3 and alcohol.

4 In last 24 hours, have you had any alcohol to
5 drink?

6 A. No, sir.

7 Q. Are you under the influence of alcohol this morning?

8 A. No, sir.

9 Q. And I'm going to ask you the same question about drugs,
10 and by "drugs" I mean anything that could be considered a
11 drug. So I mean street drugs like marijuana or cocaine, I
12 mean prescription drugs you get from a doctor or even
13 over-the-counter drugs that you could buy in a grocery store
14 like aspirin or Tylenol.

15 In the last 24 hours, have you had any kind of
16 drugs or medications?

17 A. Ibuprofen I was taking here, but not the 24 hours, no,
18 sir.

19 Q. Okay. So in the last 24 hours you haven't taken any
20 kind of drugs or medications; is that right?

21 A. Yes, sir.

22 Q. Okay. And are you generally in good health?

23 A. Yes, sir.

24 Q. Have you recently been under the care of a doctor or
25 psychologist or counselor for any kind of physical or mental

1 problems?

2 A. No, sir.

3 Q. Okay. And how are you feeling today?

4 A. I just woke up, so -- sorry.

5 Q. But otherwise you feel pretty good physically?

6 A. Yes, sir.

7 Q. All right. And are you able to think clearly?

8 A. I'm trying to get around to that right now. Like I
9 said, I just -- I just got out of bed and walked up here.

10 Q. Okay. Well, I don't want to proceed if you don't think
11 you're thinking clearly. You need --

12 A. I'm okay, though. I'm okay, though, Your Honor.

13 Q. Okay. You need to have a clear head to talk about legal
14 matters.

15 A. Yes, sir. I'm okay.

16 Q. Okay. We'll proceed, then.

17 So, Mr. Golden, as I said earlier, I've gotten two
18 different letters from you and they ask me for different
19 things. One of the letters asks for a new attorney. One of
20 the letters ask for permission for you to represent
21 yourself. And so just let me just start by asking you what
22 are you asking for this morning?

23 A. Well, Your Honor, for a new attorney that I am able to
24 represent myself. I wouldn't mind having the -- a person on
25 the side advising me of my legal rights, an attorney on the

1 side, but I don't want it to be Mr. A.L. Brown.

2 Q. Okay. So I think what I'm going to do now is we're
3 going to -- I'm going to have a private conversation with
4 you that the prosecutors can't listen to so I can talk to
5 you about why you are not satisfied with Mr. Brown. But you
6 should be able to talk to me about that without the
7 prosecutors hearing.

8 So I'm going to have Caryn now move the
9 prosecutors off this call so they won't be able to hear us,
10 and she will bring them back in when we're done.

11 (Sealed portion of the hearing commenced.)

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16 THE COURT: I'm just waiting for Mr. Thompson.

17 Okay. I'm told that Mr. Thompson is having internet

18 problems. Let's just give him a minute to connect here.

19 There he is.

20 Mr. Thompson, are you able to hear me?

21 MR. THOMPSON: I am now. Yes, Your Honor.

22 THE COURT: Okay. Good. I have had a lengthy

23 conversation with Mr. Golden and with Mr. Brown. Let me

24 just quickly dictate a ruling for the record.

25 As I've explained to Mr. Brown [sic], a defendant

1 that seeks new counsel has the burden --

2 MR. BROWN: Mr. Golden, Your Honor.

3 THE COURT: I'm sorry, I keep saying that. I
4 apologize. Mr. Golden.

5 Defendant seeking new counsel has the burden to
6 establish justifiable dissatisfaction with counsel that was
7 appointed. According to the Eighth Circuit, justifiable
8 dissatisfaction "can arise from irreconcilable conflict, a
9 complete breakdown in communication or any other factor
10 interfering significantly with an attorney's ability to
11 provide zealous representation."

12 The Eighth Circuit has repeatedly said, however,
13 that the defendant's right to counsel does not involve the
14 right to a meaningful relationship between an accused and
15 his counsel. In other words, according to the Eighth
16 Circuit, "frustration with appointed counsel's performance
17 or disagreement with counsel's tactical decisions is not
18 justifiable dissatisfaction." Instead, courts are to look
19 at the quality of advocacy in evaluating a claim for
20 dissatisfaction.

21 On this record I cannot find that Mr. Golden's
22 dissatisfaction with Mr. Brown is justified. This is a
23 difficult case. It looks to me, at least from what I know
24 of the case, that the evidence against Mr. Brown [sic]
25 appears to be overwhelming -- sorry, against Mr. Golden

1 appears to be overwhelming. And I believe that Mr. Golden
2 may be acting in ways that make it somewhat of a challenge
3 to represent him.

4 As far as I can tell from what I have seen and
5 what I have heard in my conversations, Mr. Brown is
6 reasonably representing Mr. Golden and certainly has not
7 given him justifiable reason to be dissatisfied.

8 The fact that Mr. Golden disagrees with some of
9 the things Mr. Brown has said and done does not constitute
10 justifiable dissatisfaction. So his motion for a new
11 attorney is denied.

12 I have explained to Mr. Brown at this point he has
13 three options: he can continue to have Mr. Brown represent
14 him or his second option is that he can represent himself or
15 his third option is he can hire an attorney to represent him
16 if he has the funds to hire an attorney.

17 Mr. Golden has asked for a few days to think about
18 his options, so we're going to give him that time. When he
19 is ready to talk again to me, he is going to let Mr. Brown
20 now. Mr. Brown will let my office now, and we will set up a
21 hearing then and talk about how Mr. Brown [sic] -- I'm
22 sorry, Mr. Golden wants to proceed. But I will not be
23 appointing a new attorney to represent him. So if he wants
24 to be represented by counsel, it will be Mr. Brown.

25 Okay. So we will adjourn this hearing, then.

1 Mr. Golden, I will wait to hear. When you're
2 ready to talk again, just let Mr. Brown now and he will let
3 me know, and I will set you up a hearing like this for us.
4 Okay?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Until then we will adjourn this
7 matter. Thank you, everyone.

8 (Court adjourned at 9:46 a.m.)

9 * * *

10 I, Debra Beauvais, certify that the foregoing is a
11 correct transcript from the record of proceedings in the
12 above-entitled matter.

13 Certified by: s/Debra Beauvais
14 Debra Beauvais, RPR-CRR
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